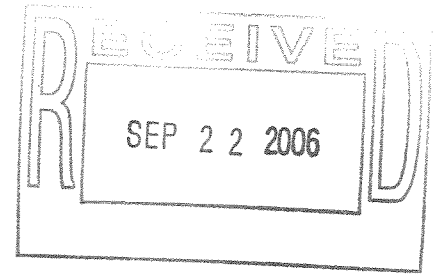


9/25/06-(8)

Elinor Gentilman  
5 Lillian Road  
Acton, MA 01720

September 21, 2006

Board of Selectmen  
Town of Acton



RE: Proposed 40B LIP Project on Bulette and Lillian Roads  
Developer/owner - Joseph Pittorino, Triple B Construction LLC

Dear Members of the Board of Selectmen:

In 1986, Mr. Pittorino built the existing single-family house at 19 Bulette Road as his primary residence. The property has been on and off the market for years and has failed to sell. The owner moved to his new home in another town earlier this year. The developer in proposing this LIP project is attempting to maximize his return by subdividing a 1.87-acre lot, which is otherwise unsubdividable in a 2-acre zoning district.

It is my understanding that this 40B LIP proposal is not the usual scenario seen in Acton. So it presents new untested concepts. It has gone through a number of versions to date however it still has significant issues, which could affect the ultimate buildability of the project. Such as an issue about a deed restriction on the parcel which surfaced at the September 7, 2006 ACHC meeting.

In general, the abutters and neighborhood do not support the project as currently presented to us for a number of reasons.

The following are some my concerns:

1. *The project is not in keeping with the Town of Acton's Comprehensive Permit Policy.*

The site is not located in one of the town centers, Kelly's Corner, or within a half mile of those centers. The 40B site is not in a "walkable neighborhood" in a town center with nearby public transit and services and does not acknowledge the Town's land use policies and development traditions. There are no sidewalks or public transportation near the site. The location will necessitate each adult having a car. Sewer hookup is not available.

2. *It will increase density of houses, septic systems, and impervious surfaces in an area of high percolation rates and poor drainage.*

The density of the LIP is not the same as the density on Lillian and Bulette Roads. This is a small, complicated lot with utility easements, setback issues, and building restrictions in an area with significant water absorption and runoff problems. The Hill is a drumlin with ledge and clay/glacial till soil. There is a long history of water drainage and absorption problems for the houses on Fort Pond Hill.

Mr. Pittorino stated at two ACHC meetings that a significant amount of the water on his property drains into a retention pond at the end of his driveway that he dug on the state land that abuts his property. I am concerned that this area may be subject to the Wetlands Act.

The Town's newly completed water management plan is based on the continued use of on-site solutions in areas such as our neighborhood. To do this requires or assumes larger lot sizes. After the September 21, 2006, ACHC meeting, some details about the project are unclear. The developer and his engineer seemed to disagree about the feasibility of the 1.87 lot being subdivided into two

individual lots with the two new units on one lot and the existing house on a separate lot. My understanding from the clarification by an ACHC member is that their application is for a subdivision. I do not know the lots sizes and details at this time.

However, if the 1.87-acre lot is subdivided, the lot size of the existing house on Bulette Road will be far below the average lot size for the street. The average lot size for Bulette Road is about 2.1 acres. The average lot size for both Lillian and Bulette Roads is about 1.5 acres. Lillian Road is about 0.78 acre.

3. *We question the project's economic feasibility in the current real estate market and have concerns for the risks for the affordable buyer.*

When my husband and I were looking for a home in 1973, we were the people seeking affordable housing. Our issues were similar to those of a person looking for housing today. We struggled to find a house that we could afford that was a sound investment of our limited financial resources. We were worried about buying on Fort Pond Hill (The Hill) because of its significant drainage and water absorption problems and close proximity to Route 2 traffic noise. Also, we were concerned about buying a house that was the largest and only two-story house on the street. We knew these issues would impact its marketability in the future and the security of our investment.

In the current, slow real estate market with its abundant housing stock and decreasing prices, the potential buyer of the affordable unit will be the first person into the development. I am concerned that the other unit(s) may not sell with so many choices available. My understanding is that the affordable unit will be sold first at about \$160,000. The market-priced unit(s) will be about \$500,000.

Potential buyers of the market unit(s) will be looking at housing in the \$500,000 price range. There is significant competition for the market unit(s) from houses on individual lots having their own septic system that conforms to local zoning bylaws. There are many choices in the current "buyers" housing market in Acton, Boxborough, and Littleton that do not include the risks of buying a unit in a condominium association with an affordable unit priced at about one third of the market unit. Would a prospective buyer be willing to be encumbered by a shared septic system, a condominium association, and the density of 3 units on a 1.87 lot when they could purchase a home on a larger lot that complies with local zoning bylaws with its own septic system?

If the 1.87-acre lot is subdivided, I am concerned that, should the project move forward to completion, the developer would begin LIP process with the lot containing the existing house. We will then have 4 units total on the original 1.87 acres.

4. *Is the project in keeping with DHCD's Commonwealth of Massachusetts Sustainable Development Principles, Redevelop First, and Smart Growth Guidelines?* While this will be determined by the State when they look at the site, is it prudent for the Town to support a LIP, which is marginal?

The proposed new units are not located near transit, in or around downtowns, village centers, areas of concentrated development, or destinations of frequent use. At the September 7th ACHC meeting, Attorney Gould reading from their application stated that the site of the affordable house was a vacant lot, that sidewalks ran from Lillian Road to West Acton Center and the Acton Town Hall, that the site was a walkable distance to shopping, Town Hall, churches, commuter-rail stations, schools, and other amenities. None of which is so.

The proposed new units will be located on an existing residential lot in the backyard of the existing house. The existing house is currently occupied and the land is not a vacant lot. The existing house is not historic and will not be reused and rehabilitated for affordable housing.

There are no sidewalks on Lillian Road, Bulette Road or Fort Pond Hill Road in Littleton. The two short lengths of sidewalks on Newtown Road are both in Acton Center. Walking to the commuter-rail station in Littleton is over hilly, busy roads with no sidewalks, a dangerous adventure in winter months in the dark. There is no local, public transportation to the commuter rail stations in Acton or Littleton.

It is about a 2-mile walk, mostly without sidewalks, to Idylwyld Farm. This is not a grocery store and does not offer staples or produce at discounts or on sale. The next nearest food shopping is a convenience store in West Acton Center. The Acton Commuter-rail station is farther still.

Because of its location and current design of the proposed conceptual plan, the project does not offer any of the usual benefits associated with smart-growth.

If this project is allowed to go forward we would ask that the Board of Selectmen consider asking for significant improvements to the drainage, especially onto Bulette Road from the site and at the end of Lillian Road, especially Mr. Jin's property, which is below the grade of Lillian Road. The developer indicated he installed a drainage area on the State-owned land a number of years ago to store the water running off his property. We would request that the adequacy of this be looked at by the town and if it impacts the Wetlands Protection Act.

We would also ask that consideration be given to improving the end of Bulette Road to allow better access to the Town Forest and Conservation Area.

Finally, as noise barriers are becoming common issues along other major highway corridors some kind of barrier be considered, especially for the new affordable unit. Route 2 is a major commuter route and has substantial truck traffic and noise.

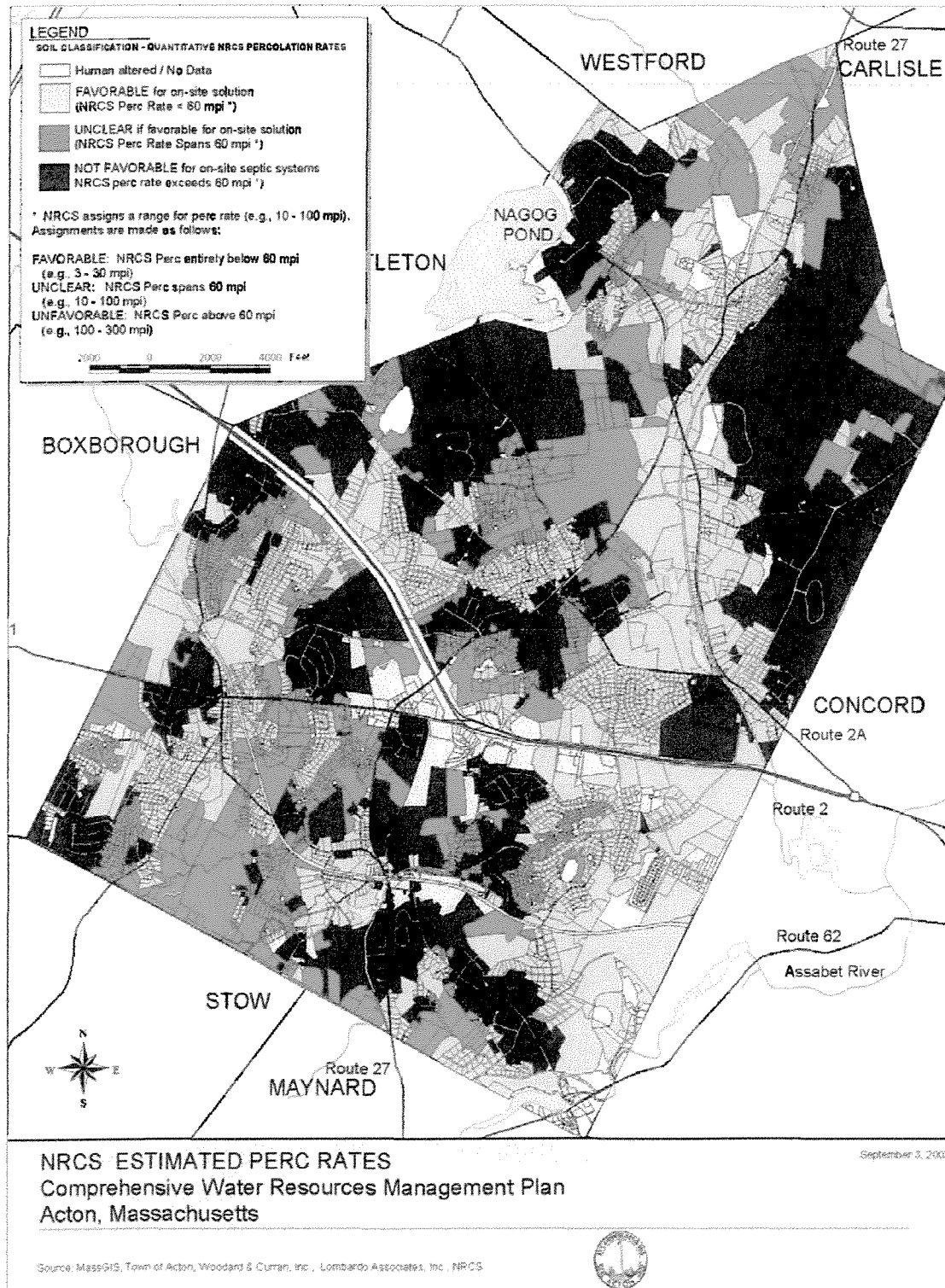
Thank you for your patience and time in reviewing the concerns of the neighbors who will be affected by this proposal.

Sincerely,

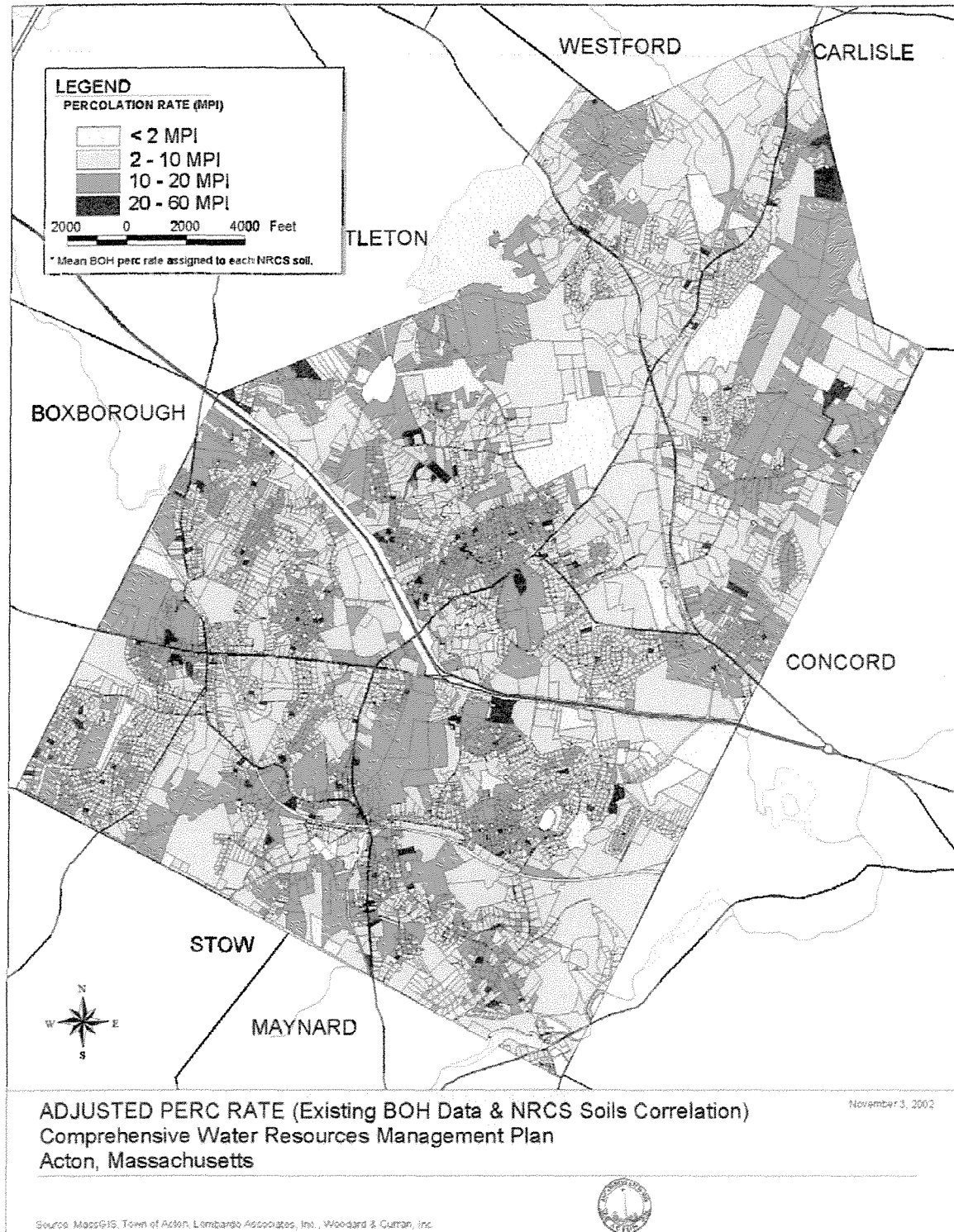
A handwritten signature in black ink, appearing to read 'Elinor A. Gentilman', written in a cursive style.

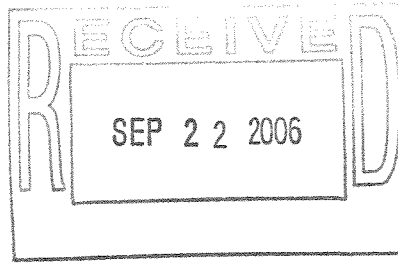
Elinor A. Gentilman

**FIGURE 5-10: QUALITATIVE PERC RATES IN ACTON FROM NRCS SOIL SURVEY**



**FIGURE 5-12: ADJUSTED PERCOLATION RATE**





12 Lillian Road  
Acton, MA 01720

September 21, 2006

Board of Selectmen  
Town of Acton  
Acton, MA

Dear Sirs and Madam:

It is our understanding that on Monday, September 25, 2006, Mr. Joseph Pittorino or his attorney, Sherry Gould will present their proposal for a Local Initiative 40B Project to build two new houses on Mr. Pittorino's property at the rear of 19 Bulette Road. The houses would be built on land with only 75 feet of frontage on Lillian Road.

This Local Initiative 40B Project is unique in that, unlike all other 40B/LIP plans in Acton, this is the first to be planned on a lot that does not have extra required acreage for the zoned area. In other plans with a house already on the property, there has been additional land than required for that area zoning. In this proposal, the area is zoned two (2) acre, but the existing house was built on 1.87 acres.

This evening the neighbors were given a copy of the Local Initiative 40B Project as submitted to the ACHC by the developer. After reading it through, we are disturbed to find many incorrect statements, which we hope to address at the BOS meeting on September 25.

This area of Acton was zoned two (2) acres back in the late 1960s or early 1970s. My understanding is that this was done because the Acton Water District did not provide water to this area, still do not, and have no future plans to provide water or fire hydrants to this area. There are three houses on Bulette Road connected to Littleton Water because two of the wells became contaminated in the 1990s. It is our understanding that this was caused by diesel fuel that leaked from an underground storage tank left after the construction of Route 2. Littleton Water and the town of Acton worked together to find a solution for this problem since Littleton Water serviced Lillian Road. We were directly involved for several winter months by having a garden hose connected from our water spigot to the house at 16 Bulette Road until Littleton Water could make the connection. We do not know whether the diesel fuel tanks were ever removed.

In mid 1980, Mr. Pittorino purchased approximately four (4) acres of land from Mr. Lenox Karner with the knowledge that this area was zoned for two (2) acre lots. Mr. Pittorino divided the land into two (2) house lots, Lot A and Lot B. Lot A frontage took up most of the cul de sac on Lillian Road, and Lot B had frontage on Bulette Road, with only 75 feet on Lillian Road. Of those 75 feet, 15 feet is a Boston Edison easement. Mr. Pittorino built a house for his family on Lot B, now 19 Bulette Road, and built and sold another house on Lot A, now 13 Lillian Road.

Mr. Pittorino has since built a house in Littleton and moved there earlier this year. He now seeks approval to build two additional houses on the 1.87 acres. At a recent ACHC meeting, this land was referred to as a vacant lot, when in reality it is the back yard of 19 Bulette Road. By applying for a Local Initiative 40B Project, Mr. Pittorino is, in essence, seeking to change the zoning,

Lot B, or 19 Bulette Road, is also unique in that it has easements running along the property lines on both the north and south. On the north is an easement across the lot for Boston Edison and Littleton Water, and abutting the lot to the south is a high-pressure gas line and a right-of-way for the telephone company. In Mr. Pittorino's file at the town hall, there is a 1930 deed covering a right-of-way to New England Telephone and Telegraph Company, conveyed by Frederick B. Noyes and "assigns forever with warranty covenants." It further states, "No inflammable structure will be erected or permitted on said property within 50 feet of said lines." In 1930, the land was a much larger parcel and has since been subdivided. However, the deed reads "assigns forever."

As a direct abutter to this project, and a Fort Pond Hill neighbor, we would like you to know why we, and our neighbors, object to this proposal. Below are just a few of the concerns that we would like you to be aware of as you listen to this presentation on September 25:

- The size of the lot is 1.87 acres in two (2) acre zoning.
- The area to be developed is the back lawn of 19 Bulette Road, not a "vacant lot."
- The geological terrain of Fort Pond Hill is a drumlin or glacial till, with poor drainage and water absorption.
- Several of the houses on Lillian Road have wet basements with sump pumps.
- The house at 13 Lillian Road has drainage problems because the water coming down the street runs down his very steep driveway. The previous owners tried to correct the drainage problem, and the current owners can attest to the continued problems. The developer of 13 Lillian Road was Mr. Pittorino, which causes the neighbors concern as to whether his plans for the drainage for his new project will not adversely affect the drainage for Lillian Road and Bulette Road neighbors.
- Mr. Pittorino admits that he dug, on state land, an "ice skating" pond for his children. This pond is less than 20 feet from the gas regulator at the end of Bulette Road, and there is a bright yellow sign that states, "Do Not Dig Within 200 feet," which Mr. Pittorino ignored.
- It is from this valve that the high-pressure gas line extends west along the southern property line.
- The driveway/access to the new houses will be constructed on the 15 foot Boston Edison/Littleton Water easement, and will run right along the stonewall property line for 12 Lillian Road. Mr. Pittorino plans to cut down some very large trees along this stonewall and easement.
  - What affect will this have on the underground electrical and water lines?

- What affect will the digging up of the roots have on the shared stone wall property line? Or on the root structure of trees on our side of the stonewall?
- What screening will replace this natural screening that Mr. Pittorino planted for his privacy while he lived at 19 Bulette Road?
- A pipe in the stonewall that marked the boundary at Lillian Road was dislodged and displaced by snowplow push back this past winter. Therefore, this corner will need to be surveyed and marked again.
- This project is three (3) miles from both Acton Center and West Acton Center with no sidewalks for at least 2 miles. The nearest MBTA station, located in Littleton, is 3.7 miles away, and there are no sidewalks along this route. It will not reduce the dependence upon automobiles by being walkable to many areas.

We have only mentioned a few of our greatest concerns. Thank you for taking the time to consider the neighbors who will be affected by this Local Initiative 40B Project by Mr. Pittorino at 19 Bulette Road (referred to as Lillian Road Residences).

Sincerely,

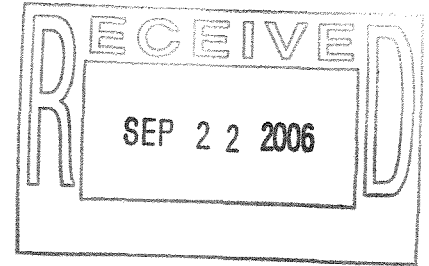
  
David A Lee

  
Susan N. Lee



Date: September 22, 2006  
To: Acton Board of Selectmen, Acton, MA 01720  
From: Richard Gentilman, 5 Lillian Road, Acton. MA 01720

Subj: Proposed 40B LIP project on Lillian Road, Acton



Along with about 2 dozen neighbors, I have attended three presentations to the Acton Housing Corporation (most recently September 21, 2006) by Mr. Joe Pitterino regarding his plans to build two additional housing units on his 1.9 acre lot at 19 Bulette Road.

I believe that the Board has received information from other neighbors addressing the problems with and unsuitability of this project. I am writing to point out the adverse effects for the Town from the precedent that would be set should this project be approved.

Background: Mr. Pitterino resided in the existing house at 19 Bulette Road for several years. He now resides in Littleton, MA. Mr. Pitterino proposes to build two additional houses (one defined as "affordable") on the Lillian Road end of the lot. This project would put two houses on approximately 0.9 acres, with a shared septic system. The Lillian Road / Bulette Road area currently has 2-acre zoning, and it is more than 2 miles from the nearest village area or sewer hook-up. An aerial view of the property with the current house and proposed additional units is attached.

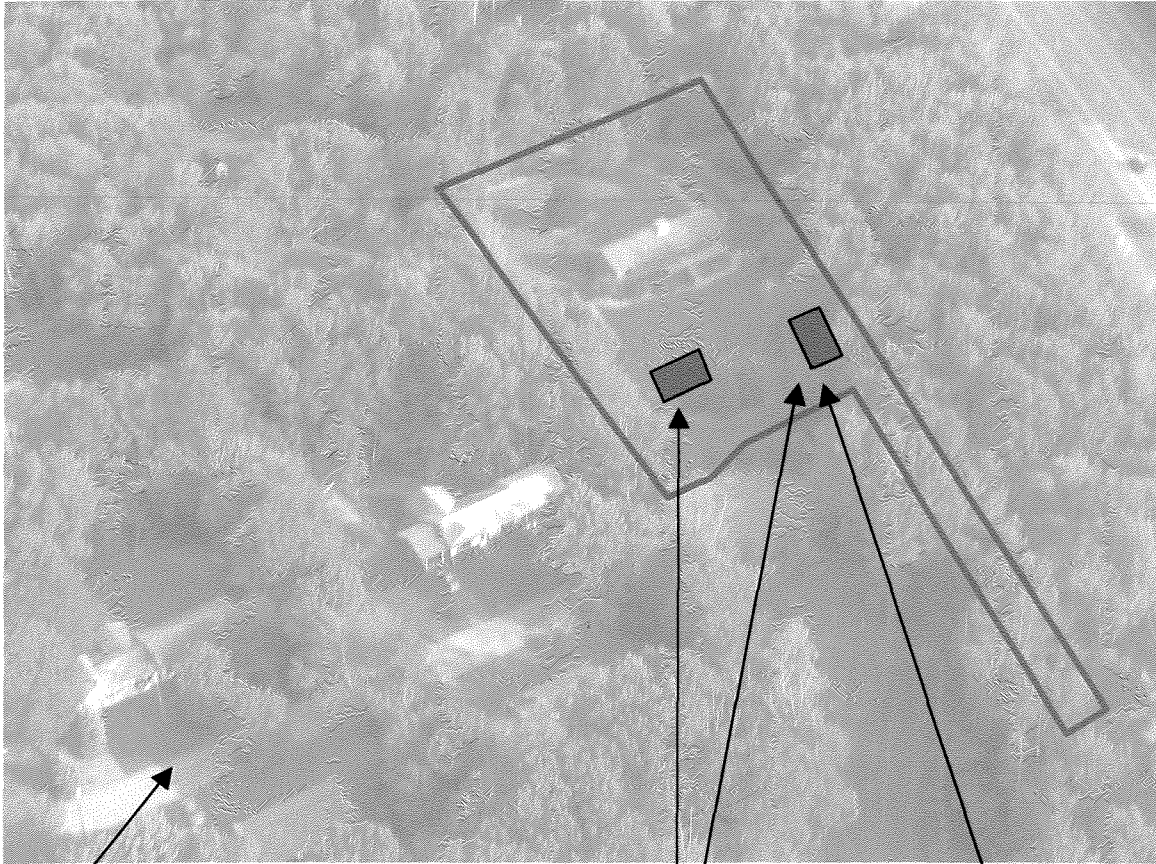
The neighbors do not support this project. The neighbors believe the project is inappropriate because the required zoning variance will drastically change the historically low-density residential character of the neighborhood.

We understand that Acton has made good progress recently toward the goal of 10% affordable housing units, and that because of this good progress, the Town now has increased discretion to disapprove inappropriate 40B projects.

We urge the Board of Selectmen to disapprove this inappropriate project because approval would set a precedent that would incentivize other property owners in Acton to obtain similar variances to add 2 or more housing units to their existing property in order to maximize their financial return as they sell and depart.

The departing property owner is the only real beneficiary from such a project. The benefit to the Town would be minor at best. The neighborhood would be adversely affected. As additional similar projects are carried out in the future by departing owners, the residential character of Acton would be permanently changed.

Thank you for your careful consideration.



Rte. 2

Lillian Road

Proposed Additional Houses

Affordable Unit